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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/534,466
Filing Date: March 24, 2000
Appellant(s): ALBERT ET AL.

MAILED
SEP 2 2 2004
GROUP 2800

William C. Gehris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6-14-2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-11 and 13-17 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,085,956	Sainio et al	7-2000
4,838,498	Huth	6-1989

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 10, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Jurkewitz et al(5,996,492). The patent to Jurkewitz et al teaches the method and apparatus for controlling tension applied to a web in an offset printing press as claimed including increasing and decreasing the infeed tension in the web in response to a signal by the web speed measuring device 32 indicating the printing press operating mode based on press speed. As shown in Fig. 2 of Jurkewitz et al, when the printing press is run up to operating speed from S_0 to S_1, the tension P in the web remains at a low steady P_1 and when the printing press speed goes beyond S_1, (mode change from white web mode to a printing mode) the tension P in the web starts to increase as indicated by arrow 38a. When the printing press speed decreases from S_2 to S_0 (from printing mode to white web mode) as indicated by leftward arrow 38b, the tension P in the web

starts to decrease as indicated by a vertical down arrow 38b upon reaching speed S_0. Since the web moving under a non-printing condition is defined as a white web by the present application, the web speed S_0 in the Jurkewitz patent during which the printing press is stopped or running at a very slight web speed while no printing is taking place qualifies as a white web mode. Jurkewitz et al also made it clear in column 4, lines 15-35 when the first time the printing press is run up to operating speed, for example, after a new paper web 6 has been inserted for a new printing job or after a web has been torn or broken during a printing job, the tension P in the web is set at a low value P_1 so that the web can be run up to operating speed S_1 which is the minimum web speed for printing and the tension P starts to increase when the printing press goes beyond this speed. In view of the teaching of Jurkewitz et al, it should be apparent to those skilled in the printing art that at the end of a printing job when the web is running at **a very slight web speed S_0** before it stops, printing does not take place and the web tension is lowered. See Figs. 1-4, column 3, lines 46-54, column 4, line 15 through column 5, line 15, and column 6, lines 8-32 in Jurkewitz et al for details. With respect to claim 6, a web fed rotary offset printing press as taught by Jurkewitz et al normally includes an inherent folder for cutting the printed web into signatures as recited. With respect to claim 14, Jurkewitz et al teach the use of a controller 36 for processing the signal and altering the tension as recited.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkewitz et al. The patent to Jurkewitz et al teaches the use of a computer controlled web tension controller to carry out the web tension controlling operation. See column 3, line 45 through column 4, line 4, and column 5, line 60 through column 6, line 43 in Jurkewitz et al for example. Even though the patent to Jurkewitz et al does not discuss the use of PLC and LAN, these computer-related components are well known and widely used in the art. Due to the lack of disclosure showing any criticality, the mere application of a well known modern computer technology based upon its well known capabilities and intended use by those having ordinary skill in the art in order to achieve an expected outcome would have been most obvious.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkewitz et al in view of Sainio et al(6,085,956). The patent to Jurkewitz et al does not show the offset printing press structure after the printing units 8a-8d. Sainio et al show in an offset printing press the conventional components after the printing units such as a chiller 20, a slitter 34, a folder 38, and etc. See Figs. 1(a) and 1(b) in Sainio et al for example. In view of the teaching of Sainio et al, it would have been obvious to those having ordinary skill in the art to provide the offset printing press of Jurkewitz et al with the usual chiller, slitter, and etc. in order to carry out the conventional web printing operations.

Claims 1, 13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Huth(4,838,498). The patent to Huth teaches the method of controlling tension in a web of a printing press as claimed including increasing the web infeed tension in response to a signal indicating a change to a printing mode from a white web mode, and decreasing the web infeed tension in response to a signal indicating a change to a white web mode from a printing mode.

The mode change signal comes from the input by an operator through operator means 36 in the form of push buttons or levers and the control means 35 comprising a micro-processor and a drive control coordinate the signals with other components of the printing press to alter the web tension. It should be pointed out that the white web mode of the present invention is equivalent to the webbing mode or the reverse mode in Huth since in both these modes, no printing is taking place while the web is being fed. On lines 26 to 43 of column 3, Huth clearly stated that the speed and tension for the web-up operation, the slack removal operation(reverse) and the normal running(printing) operation are all different providing that the speed and tension for the web running at printing operation being greater than the other operating modes such as webbing and reversing. In view of the teaching of Huth, it should be apparent to those skilled in the web printing art that when a new roll of paper web has been installed in the printing press of Huth, the web needs to be webbed-up through the printing press to the printing unit and any slack removed by reversing the web feed. These preparatory operations are carried out at a relatively low speed and tension. When the operator ~~pressed~~ presses the run button to generate the signal indicating a change to a printing mode from a white web mode, the printing press starts to run at a greater web speed and tension to carry out the printing operation. At the end of a printing job and when a new roll of paper web being installed in the printing press, the operator would press the webbing(37) and reverse(38) buttons to generate signals indicating a change to a white web mode from a printing mode, the web speed and tension will be lowered to prepare the web for printing. See the drawing figure and column 3, line 10 through column 4, line 26 in Huth for details. It should also be pointed out that ~~even though~~ for each of the operating modes in Huth, there is a press speed associated with it. However, the decision and selection of a particular operating mode by

an operator through the use of a push button or lever to generate a mode change signal for the control means 35 is clearly independent of the press speed as recited. With respect to claim 17, a micro-processor is part of the control means 35.

(11) Response to Argument

a. Appellants argued that Jurkewitz does not teach increasing an infeed tension in response to a signal indicating a change to a printing mode from a white web mode. This argument is not persuasive. Jurkewitz clearly teaches in column 3, lines 45 through column 4, line 34 that the web speed measuring device 32 generates a signal indicating a change to a printing mode from a white web mode(Fig. 2 of Jurkewitz shows the web run up to operating speed from S_0 to S_1) and the control unit 26 increases the web tension P shown by arrow 38a in response to the signal by the web speed measuring device 32 indicating such a change to a printing mode from a white web mode.

b. Appellants argued that there is no teaching in Jurkewitz that the web traveling below speed S_0 is at a white web mode and does not discuss a white web mode at all. This argument is also not persuasive for the following reasons:

1. As defined by the appellant, a white web mode is one in which the web is running through the press but is not being printed. It should be clear to one the ordinary skill in the art that in the printing press of Jurkewitz, printing takes place when the web reaches speed S_1. During the web run up period before it reaches printing speed S_1 from S_0, the web is running through the press but is not being printed. Therefore, when the web is running through the press from speeds S_0 to S_1 or after the printing operation from S_1 to S_0, the printing press is in a white web mode since printing does not take place.

2. Jurkewitz clearly teaches in the paragraph bridging columns 4 and 5 that when the printing press slows down at the end of the printing operation, the web tension P is kept substantially constant at the value P_2 until the speed value S_0 is reached and defines the printing press is stopped or at a very slight web speed at S_0. As would be clear to those having ordinary skill in the art that when the web is running at a very slight web speed at S_0 in the printing press of Jurkewitz, printing does not take place and the printing press is at a white web mode.

c. Appellants argued that there is no teaching in Huth of "decreasing an infeed tension in response to a signal indicating a change from a printing mode to a white web mode" as claimed in claim 1. This argument is also not persuasive. The mode change signal in Huth comes from the input by an operator through operator means 36 in the form of push buttons or levers and the control means 35 comprising a micro-processor responsive to the signal to control the web tension. At the end of one printing operation and when a new roll of paper web has been installed in the printing press of Huth, the operator would press the webbing button 37 to generate a signal indicating a change from a previous printing mode to a white web mode and the control means 35 runs up the web at a lowered speed and tension as compared to the web speed and tension during the printing operation so as to prepare the web for a new printing operation.

d. Appellants argued that Jurkewitz does not show or disclose maintaining a similar tension in the web after the printing units during the change from the printing mode to the white web mode as claimed in claim 2. This argument is not persuasive. As a matter of fact, Jurkewitz teaches in the paragraph bridging columns 4 and 5 to substantially maintain the web tension P_2 during the change from the printing mode to the white web mode until the web speed S_0 is reached. Accordingly, it is believed the limitation of claim 2 has been met.

e. Appellants further argued that Jurkewitz does not teach or disclose an input to a controller concerning a printing mode. This argument is again not persuasive. As discussed in paragraph a. above, the web speed measuring device 32 in Jurkewitz generates a printing mode signal based on the web speed

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ren L Yan
Primary Examiner
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Ren Yan
September 17, 2004

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